

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

LEONARD SINGER,

Plaintiff,

v.

AARON PRICE, et al.,

Defendants.

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No. 3:16-cv-02621


CHIEF JUDGE CRENSHAW

ORDER

Before the Court is a Report and Recommendation from the Magistrate Judge (Doc. No. 35), recommending that the Court grant Aneta Flaggs' Unopposed Motion to Dismiss (Doc. No. 24). Although he did not respond to the Motion to Dismiss, Plaintiff filed timely objections to the Report and Recommendation. (Doc. No. 36.) Upon initial screening, the Court dismissed all claims against Flaggs in her individual capacity, only leaving in his claims against Flaggs in her official capacity with the Murfreesboro Police Department. (Doc. Nos. 5-6.) Upon review of the Complaint, however, Plaintiff only sued Flaggs in her individual capacity. (Doc. No. 1 at 14); see Matthews v. Jones, 35 F.3d 1046, 1049 n.1 (6th Cir. 1994) (holding that if a plaintiff specifically names the capacity in which he or she sues an officer, that capacity governs). While the Court disagrees with the Report and Recommendation that the Complaint does not sufficiently allege a policy or custom of the City of Murfreesboro that violated Plaintiff's constitutional rights, because Flaggs is only sued in her individual capacity and the Court already dismissed those claims, the Report and Recommendation is **ADOPTED**.

Accordingly, Flaggs' Motion to Dismiss (Doc. No. 24) is **GRANTED**. Flaggs is **TERMINATED** as a defendant in this action. This case is **RETURNED** to the Magistrate Judge for further proceedings.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE